IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1975 OF 2006
IN
FIRST APPEAL ST.NO. 7037 OF 2006.

The New India Assurance Co.Ltd. ... Applicant.
Versus.
Ashok Ramchandra Chavan and ors. ... Respondents.

Ms.Ratna Bhargavan i/by M/s.R.Bhargavan & Associates
for the Applicant

Shri M.G.Barve for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 24th July, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. I have perused the impugned Judgment and Award. Primafacie, it appears to me that the compensation which is awarded by the Tribunal is on the higher side. However, a reasonable amount will have to be permitted to be withdrawn by the original Claimant without furnishing security as he has suffered some disability. Some additional amount will have to be allowed to be withdrawn on furnishing security to the satisfaction of the Tribunal. Rest of the amount will have to be invested.

2. Hence the Civil Application is disposed of by the following order:

i) Out of the amount deposited by the Applicants,

the Tribunal will permit the original Claimant to withdraw a sum of Rs.1,25,000/- without furnishing any security. The Tribunal will also permit the original Claimant to withdraw a further sum of Rs.1,75,000/- on furnishing adequate security to the satisfaction of the Tribunal. The security will not be accepted by the Tribunal without hearing the Applicants.

ii) The Tribunal will invest the rest of the amount in a fixed deposit in any nationalised bank initially for a period of three years and the fixed deposit be renewed from year to year thereafter till disposal of the First Appeal.

Judge.